The 35 U.S.C. § 102(b) Rejections

Claims 1-3, 5, 8 and 10-14 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Skinner. Since Skinner fails to teach each of Applicants' claim limitations, Skinner cannot anticipate Applicants' invention as claimed.

Claims 1 and 14 are independent system and method claims, respectively. All other claims depend from claim 1. Since claim 1 is patentable, all dependent claims are also patentable.

The Examiner has lumped the evaluation of claims 1 and 14 together. While Applicants do not necessarily agree that claims 1 and 14 have the same scope, their patentability will be argued in the same manner that they were rejected by the Examiner.

First, the Examiner states that Skinner teaches a power source supplying an electrical supply voltage to a digital subscriber line access multiplexer (MUX). The Examiner identifies the MUX as Skinner's SONET multiplexer (19) and the power source as Skinner's power supply (32). However, there is no power connection, by any means taught or suggested in Skinner, for electrical power to get from power supply (32) to SONET multiplexer (19). SONET multiplexer (19) is located in central office (13). All connections described with regards to central office (13) are fiber optic cables (14).

Second, the Examiner states that Skinner's optical network unit (ONU) (15) is an electrical conducting medium for conducting electrical power from the MUX to a network interface device (not identified) in electrical communication with the remote user device (27). ONU (15) is connected to SONET multiplexer (19) through optical cable (14), remote digital terminal (18) and additional fiber optic cable 14, in series. No electrical power is flowing from SONET multiplexer (19) to ONU (15). Hence, ONU (15) cannot be an electrical conducting medium between the MUX and a network interface device. Skinner neither teaches nor suggests such a flow of power from SONET multiplexer (19) through ONU (15), for if this flow of power existed, there would be no need for the invention described by Skinner!

With regards to claim 2, Skinner neither teaches nor suggests a serving area interface. If the Examiner believes otherwise, the Examiner is respectfully requested to indicate such a device in Skinner.

With regards to claim 3, the Examiner asserts that Skinner teaches a digital loop carrier providing digital data to the MUX. However, the Examiner has not identified any passage within Skinner or any device or component disclosed by Skinner to accomplish such a digital loop. The Examiner is respectfully requested to indicate such a teaching in Skinner.

With regards to claim 5, the Examiner asserts that Skinner discloses the power source remote from the MUX and that the power source supplies power to a plurality of MUXs. Skinner does not appear to teach or suggest any power supply for SONET multiplexer (19), which the Examiner has identified as Applicants' MUX. Further, Skinner neither teachers nor suggests multiple SONET multiplexers (19).

With regards to claim 12, the Examiner asserts that Skinner teaches an alarm system that monitors the operation of the power source and relays operation information to the central office, citing col. 5, ln. 64 through col. 6, ln. 7, which is reproduced as follows:

> After preset time or decay of battery power reserve to a present threshold, engine-alternator 39 is automatically started and automatic power transfer switch 34 is changed to connect rectifier/batteries to engine-alternator instead of input connection 33. During this mode of operation, engine-alternator 39 provides power for the total coaxial cable system and restores the charge in the batteries 35.

Not only does Skinner not teach sending operation information to the central office, Skinner teaches away from such contact by disclosing automatic power generation.

The 35 U.S.C. § 103 Rejections

With regards to claims 4, 6 and 7, the Examiner asserts that it would be obvious to "shift the power source disclosed by Skinner to a different location since the operation of the system would not thereby be modified." ¶ 6. However, as discussed above, the power source identified by the Examiner does not supply power to the MUX identified by the Examiner. Hence, moving the power supply to any location would still render the Examiner's construction of Applicants' invention inoperative.

Conclusion

Claims 1-14 are pending in this Application. The case is in appropriate condition for allowance. Accordingly, such action is respectfully requested. Fees in addition to those

provided with this amendment may be charged to Deposit Account 21-0456 as specified in the Application Transmittal.

The Examiner is invited to telephone the undersigned to discuss any aspect of this case.

Respectfully submitted,

CURTIS L. ASHTON et al.

By _____
Mark D. Chuey, Ph.D.
Reg. No. 42,415
Attorney/Agent for Applicant

Date: October 31, 2000

BROOKS & KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075
Phone: 248-358-4400
Fax: 248-358-3351